

BILL ANALYSIS

Senate Research Center

S.B. 1210
By: West, Royce
Jurisprudence
6/18/2001
Enrolled

DIGEST AND PURPOSE

Current law does not address conflicts of interest regarding staff attorneys and law clerks employed by state courts. S.B. 1210 requires an attorney or law clerk who enters into an agreement or accepts a benefit from a law firm or private entity to disclose that agreement or benefit with the clerk of the court, and provides that the attorney or law clerk is not allowed to participate during the employment with the court in any matter that is before the court that involves the law firm or private entity. The information disclosed will be a matter of public record.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 2D, Government Code, by adding Chapter 57, as follows:

CHAPTER 57. STAFF ATTORNEYS AND LAW CLERKS; CONFLICT OF INTEREST

Sec. 57.001 APPLICABILITY OF CHAPTER. Provides that this chapter applies only to an attorney or law clerk employed by a court of this state for a specified and limited term.

Sec. 57.002. DISCLOSURE. Requires an attorney or law clerk subject to this chapter who has entered into an agreement for employment with or accepted a benefit from a law firm or another private entity to file a statement containing certain information with the clerk of the court. Provides that information filed under this section is a public record and requires it to be made available to any person on request.

Sec. 57.003. REQUIRED RECUSAL. Prohibits an attorney or law clerk subject to this chapter who entered into an agreement for employment with or accepted a benefit from a law firm or another private entity from participating during the employment with the court in any matter before the court that involves the law firm or private entity. Prohibits the attorney or law clerk, after the termination of employment with the court, from participating on behalf of the law firm or private entity in any matter that was pending before the court during the period the attorney or law clerk was employed by the court, and until the first anniversary of the date of the termination of employment, plead or appear on behalf of the law firm or private entity in any matter before the court that employed the attorney or law clerk. Requires a recusal from participation in a matter under this section to be made by public order of the court.

SECTION 2. Effective date: upon passage or September 1, 2001.

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